THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 20484 of 2005

Dated: 23.10.2006

Between:

The Executive Engineer (U), APSRTC,
Jubilee Bus Station, Picket, Secunderabad.

..... PETITIONER

AND

T. Venkataiah, S/o T. Sanjanna, aged about 31 years, Occ:
Ex-Office Boy, R/o Plot No.1069, road No.45, Manohar Reddy, Near
Peddamma Gudi, Jibilee Hills, Hyderabad and another.

.....RESPONDENTS

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Order:

1. Assailing the award dated 26.02.2005 passed by the Industrial Tribunal-cum-Additional Labour Court, Hyderabad, in I.D. No. 34 of 2001, directing the petitioner-Corporation to reinstate respondent No.1 into service with all consequential benefits, the petitioner-Corporation filed the present writ petition.

2. Heard the learned Standing Counsel for the petitioner-Corporation, and the learned counsel for respondent No.1.

3. Learned Standing Counsel for the petitioner-Corporation contends that there is no relationship of employer and employee between the petitioner-Corporation and respondent No.1, and the Labour Court, without appreciating this fact in relation to the evidence adduced, erroneously passed the impugned award directing the petitioner-Corporation to reinstate respondent No.1 into service with all consequential benefits. He, thus, prayed that the impugned award be set aside and the writ petition be allowed.

4. Respondent No.1 claims that he worked as office boy in the petitioner-Corporation from the year 1986 to 06.01.2001, on which date his services were orally terminated without complying with the requirements of Section 25-F of the Industrial Disputes Act, 1947. In support of his contention that he has worked for more than 240 days continuously during the said period, respondent No.1 examined himself as WW-1 and got marked Exs.W1 to W11 documents. On behalf of the petitioner-Corporation, its Deputy Executive Engineer was examined as MW-1 and no documents were marked on its behalf. The documents Ex.W5 to W7 issued by the Executive Engineer and the Deputy Executive Engineer of the petitioner-Corporation, clearly establishes that

the petitioner was working as casual labour under the Deputy Executive Engineer (U.II) Sub-division, JBS Picket, Secunderabad. The Labour Court, after appreciating the said evidence and material on record, held that the petitioner had worked as casual office boy in the petitioner-Corporation for about 14 years and that the petitioner-Corporation, without complying with the provisions of Section 25-F of the Industrial Disputes Act, 1947 and without there being any allegations of misconduct, terminated the services of the petitioner. Holding so, the Labour Court allowed the claim of respondent No.1-workman and directed his reinstatement with all consequential benefits, and no exception can be taken thereto. The petitioner-Corporation failed to produce any material before this Court to disprove the claim of respondent No.1-workman, except reiterating the contentions raised before the Labour Court. In that view of the matter, I see no reason to interfere with the award of the Labour Court, more so when the petitioner-Corporation failed to point out any of infirmities.

5. The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 23.10.2006
Nsr/Sj